

# **HANDBOOK ON SRI LANKAN GENOCIDAIRES**



## **EXECUTIVE SUMMARY**

Accountability for serious violations of international humanitarian or human rights law is an obligation and a duty under domestic and international law. These credibly alleged violations demand a serious investigation and the prosecution of those responsible. If proven, those most responsible, including Sri Lanka Army commanders and senior Government officials, as well as military and civilian individuals acting under their control, would bear criminal liability for international crimes.

International Criminal Law (ICL) deals with individual criminal responsibility for the most serious violations of human rights (IHRL) and international humanitarian law (IHL) violations. ICL defines international crimes and defines the criteria to establish individual responsibility for these crimes. International crimes are defined by treaties and customary international law (CIL). Under customary international law, torture, enforced disappearances, war crimes, crimes against humanity, genocide and aggression are international crimes. Increasingly, ICL has become a necessary instrument for the enforcement of IHL and IHRL, particularly given the proliferation of international, internationalized and domestic tribunals empowered to try individuals suspected of having committed some of these crimes: namely war crimes, crimes against humanity and genocide.

Crimes against humanity are a set of international crimes for which violators can be held individually criminally liable. In a criminal trial, there is the requirement that the perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack against a civilian population, as well as the mental element necessary for the constitution of the underlying act. For an act to amount to a crime against humanity it must be part of an attack against a civilian population and the perpetrator must know that the act was part of that attack.

The purpose of this list is to inform, educate and motivate concerned citizens and humanitarians about serious and egregious violations of domestic and international law that occurred, and are occurring presently, in Sri Lanka. This list is meant to urge you to remember the victims and survivors of Sri Lanka's genocide by participating in a process that recognizes the ongoing Tamil genocide as is committed to the need for justice and accountability. This list will be supplemented periodically with the names of other violators and persecutors of human rights. It is our hopes that your participation in this process will inspire you, and others, to remain vigilant and cognizant that as of this very moment you are the best hope these victims and survivors have for accessing justice.

## **OISL REPORT: 18 SLA COMMANDERS**

### **Overview Note:**

*The following tables include notes on 18 Sri Lankan Army Commanders who headed various sub-groups within the Sri Lankan Army (SLA) during the final phases of the armed conflict. The majority of the notes and information are from the OISL Report itself, with some supplemental sources that give fill in gaps of what some of these Commanders did after the end of the armed conflict.*

*Officers are listed in the order in which they appeared in the OISL Report. Time periods reflected in these tables are from what was found within the OISL Report. The OISL Report highlights events and actors from February 2002, until October 2011.*


*Not all named commanding officers had extensive reference in the report. Those that did have more information have a written summary included as part of their table.*

*Appendix A: This Appendix lists out all the names that were mentioned within the section of the report pertaining to actors within the Sri Lankan Security Forces. The names of the Sri Lankan Army officers are numbered in red. They are listed and categorized by their role in the Sri Lankan Security Forces as a whole.*

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## General Jagath Jayasuriya

<b>Position:</b> Army Commander	<b>Time Period:</b> From July 2009
 <p><a href="http://www.ocds.lk/general_jagath_jayasuriya.php">http://www.ocds.lk/general_jagath_jayasuriya.php</a></p> <p><b>Current:</b> Retired Army General, was Sri Lankan Ambassador to Brazil, Argentina, Chile, Colombia, Peru and Suriname from June 2014-August 2017.</p>	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>– Prior to being Army Commander, Jagath Jayasuriya was the Head of Security Force HQ-Vanni during final phase of armed conflict.<sup>1</sup> He was responsible for the military operations on the ground in Vanni.<sup>2</sup></li> <li>– The OISL Report found that SFHQ-Vanni was located at Joseph Camp. Joseph Camp was one of the main Sri Lankan Army camps, and it unofficially housed detention centres.<sup>3</sup> Detainees were taken for interrogation and often subjected to torture and sexual violence at Joseph Camp.<sup>4</sup></li> <li>– The Military Intelligence Corps was based at this location, and CID and TID officers were also often heavily present. CID and TID officers were most commonly reported to be involved in interrogation and torture sessions of their own at Joseph Camp.<sup>5</sup></li> <li>– Major General Jayasuriya announced the first No Fire Zone (NFZ1) in January 2009. Civilians crowded in but began immediately abandoning it because of shelling.<sup>6</sup> The government, including Major General Jagath Jayasuriya knew of the location of some of the targets (i.e. Vallipunam hospital) before they were shelled.<sup>7</sup></li> <li>– OISL reports that the statements provided by the military officers, including that of General Jayasuriya, indicate that the loss of civilian life and damage to civilian property may have been anticipated, known, and accepted – in breach of international humanitarian law.<sup>8</sup></li> <li>– General Jagath Jayasuriya (as Commander of the Army) set up an Army Court of Inquiry in Jan 2012. The OISL questions the independence and impartiality of it. It appears to be an attempt by the SL Armed Forces to cover up the alleged gross human rights violations, serious violations of international humanitarian law, and international crimes. It also seems to be an attempt to shift blame onto the LTTE.<sup>9</sup></li> </ul>

### Summary: General Jagath Jayasuriya and Security Force Head Quarters - Vanni

General Jagath Jayasuriya was the Head of the Security Force HQ-Vanni during the final phase of the armed conflict, before becoming Army Commander in July 2009. During his time at SFHQ-Vanni, he was responsible for the regional military operations on the ground.<sup>10</sup> He stands accused of being complicit in the war crimes the Sri Lankan Army committed especially during the final phase of the armed conflict. He played a command role in artillery strikes that targeted hospitals, and civilians, torture including sexual violence, and enforced disappearances.

SFHQ-Vanni was located at Joseph Camp, one of the main Sri Lankan Army camps. It also unofficially housed detention centres, in which detainees were interrogated and often subjected to sexual violence and

<sup>1</sup> Report of the OHCHR Investigation on Sri Lanka, 16 September 2015, at para 115, online: [www.ohchr.org/en/hrbodies/hrc/pages/oisl.aspx](http://www.ohchr.org/en/hrbodies/hrc/pages/oisl.aspx) [OISL Report].

<sup>2</sup> Ibid at para 1220.

<sup>3</sup> Ibid at paras 371, 589.



torture.<sup>11</sup> The Military Intelligence Corps, CID, and TID were all commonly reported to have been present at this camp, carrying out their own interrogations and torture.<sup>12</sup> After declaring the first No-Fire Zone, and receiving Vallipunam Hospital's coordinates, the SLA shelled the hospital and the surrounding area, despite the knowledge of civilians being there.<sup>13</sup>

OISL reports that military officers anticipated, knew, and accepted of the loss of civilian life, and damage to civilian property, which is in breach of international humanitarian law.<sup>14</sup> After the end of the armed conflict, General Jagath Jayasuriya, as Army Commander, established an Army Court of Inquiry, which allegedly attempted to cover up their gross human rights violations, serious violations of international humanitarian law, and international crimes, by shifting blame to the LTTE.<sup>15</sup>

After retirement, General Jagath Jayasuriya was appointed as the Ambassador to Brazil, Argentina, Chile, Colombia, Peru, and Suriname. Human Rights groups lead by the International Truth and Justice Project, in Brazil and Colombia, filed war crimes lawsuits against him, and asked for his expulsion.<sup>16</sup>

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4 *Ibid.*

5 *Ibid* at para 589.

6 *Ibid* at paras 802–803.

7 *Ibid* at para 804.

8 *Ibid* at para 744.

9 *Ibid* at para 1223.

10 *Ibid* at para 1220.

11 *Ibid* at paras 371, 589.

12 *Ibid* at para 589.


13 *Ibid* at para 804.

14 *Ibid* at para 744.

15 *Ibid* at para 1223.

16 <https://www.aljazeera.com/amp/news/2017/08/29/brazil-lawsuit-accuses-jagath-jayasuriya-of-war-crimes/>

## General Sarath Fonseka

<b>Position:</b> Sri Lankan Army Commander	<b>Time Period:</b> December 2005- July 2009
 <p><a href="http://www.ocds.lk/general_fonseka.php">http://www.ocds.lk/general_fonseka.php</a></p>	<b>Notes:</b> <ul style="list-style-type: none"> <li>– General Sarath Fonseka played a key role, and oversaw the final stages of the conflict as Army Commander.</li> <li>– From July 2009 to November 2009, he was the Chief of Defence Staff of the Armed Forces.</li> <li>– NFZ1: Coordinates of Vallipunam Hospital were communicated to 57th, 58th, 59th Divisions, and Task Forces 2,3,4. It was still shelled despite being on the edge of the NFZ1. It caused damage to the main building, medical infrastructure, ambulances and temporary medical shelters. At least five civilians were killed, and 22 were injured.<sup>17</sup></li> <li>– By the end of the war, he felt sidelined by the government, and decided to run against President Mahinda Rajapaksa in January 2010. He ultimately lost, and was arrested on corruption charges. He was sentenced to three years in prison. By 2012, he was released and granted pardon by the new President Srisena in January 2015.<sup>18</sup></li> </ul>

<sup>17</sup>OISL Report, *supra* note 1 at paras 804–806.

<sup>18</sup>*Ibid* at para 99.

## General S.H.S. Kottegoda

**Position:** Sri Lankan Army Commander

**Time Period:** July 2004-December 2005



[http://www.dailymirror.lk/front\\_page/S-H-S--Kottegoda-appointed-Defence-Secretary/238-166161](http://www.dailymirror.lk/front_page/S-H-S--Kottegoda-appointed-Defence-Secretary/238-166161)


**Notes:**

- General S.H.S. Kottegoda was the Army Commander for the Sri Lankan Army from July 2004 to December 2005. He replaced General L.P. Balagalle, and was succeeded by General Sarath Fonseka in December 2005.<sup>19</sup>
- He was appointed by President Gotabaya Rajapaksa to be the Secretary of Defence in April 2019.<sup>20</sup>

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<sup>19</sup>*ibid* at para 113.


<sup>20</sup> [http://www.dailymirror.lk/front\\_page/S-H-S--Kottegoda-appointed-Defence-Secretary/238-166161](http://www.dailymirror.lk/front_page/S-H-S--Kottegoda-appointed-Defence-Secretary/238-166161)

<b>General L.P. Balagalle</b>	
<b>Position:</b> Sri Lankan Army Commander	<b>Time Period:</b> August 2000 – July 2004
 <p><a href="http://gunner.lk/information.php?inford=1">http://gunner.lk/information.php?inford=1</a></p>	<b>Notes:</b> <ul style="list-style-type: none"> <li>– General L.P. Balagalle was the Sri Lankan Army Commander from August 2000 to July 2004. He was succeeded by General S.H.S. Kottegoda.<sup>21</sup></li> </ul>

<sup>21</sup> *OISL Report*, *supra* note 1 at para 113.



## Major General Mahinda Hathurusinghe

<b>Position:</b> Head of Security Force HQ - Jaffna	<b>Time Period:</b> January 2010-January 2014
 <p>http://exploresrilanka.lk/2012/07/in-the-shade-of-the-palms/</p>	<p><b>Notes:</b> He completely denies any reports of abduction, torture, and rape, saying that they are all fabricated.<sup>22</sup></p> <ul style="list-style-type: none"> <li>– Security Forces HQ- Jaffna is responsible for 53 Division, and 55 Division.<sup>23</sup> (<i>see more on 53rd Division under General Kamal Gunaratne, and 55th Division under Brigadier Prasanna Silva</i>)</li> <li>– Reports of being notorious in the abuse of women.<sup>24</sup></li> <li>– Unconfirmed reports of him being set to be appointed Governor of the Northern provincial council by President Gotabaya Rajapaksa<sup>25</sup></li> </ul>

<sup>22</sup> *Ibid* at para 583.

<sup>23</sup> *Ibid* at 27.

<sup>24</sup> <https://www.theceylontimes.ca/index.php/100-rtd-major-general-mahinda-hathurusinghe-to-be-appointed-governor-of-the-northern-province>

<sup>25</sup> *Ibid*.

## Major General Kamal Gunaratne

<b>Position:</b> Commander (53rd Division)	<b>Time Period:</b> April 2008-July 2009 <sup>26</sup>
 <p><a href="https://srilankamirror.com/news/997-nandikadal-hero-threatens-schoolboy">https://srilankamirror.com/news/997-nandikadal-hero-threatens-schoolboy</a></p>	<b>Notes:</b> <ul style="list-style-type: none"> <li>– Major General Kamal Gunaratne was a two-star General, and Commander of the 53rd Division during the final phase of the armed conflict.<sup>27</sup></li> <li>– 53rd Division was heavily involved in the final phase, in May 2009.<sup>28</sup></li> <li>– OISL received information about white flag surrenders taking place during the final days. People who surrendered to the north of Vellamullivaikkal, surrendered to the 53rd and 59th Division.</li> <li>– May 8, 2009: The third and final NFZ was declared. Maps and Announcement of NFZ3 was communicated to international organizations and sent to SLA commanders (including 53rd, 55th, 58th, and 59th Divisions) that surrounded the area. There was continuous shelling and firing from the SLA. Every time a shell hit, people would be injured and killed because there were so many people squeezed into a small area. The only health facility for civilians in the area was also bombarded daily by the SL Security Forces between May 8-12.<sup>29</sup></li> <li>– OISL is concerned by serious allegations that the SLA destroyed evidence after the end of the conflict – including digging up and burning bodies that had been buried in the conflict zone.<sup>30</sup></li> <li>– Isaipriya, well known LTTE news presenter, was killed by soldiers of the 53rd Division. Visual evidence reviewed by OISL show her being pulled out of Nandi Kadal lagoon alive. Her dead body is later seen, stripped, and bloody. Her hands were tied behind her back, and her body is seen in a pile of other male bodies, also naked, blind-folded, with their hands tied behind their backs.<sup>31</sup> Forensic examination revealed she was shot in the head, execution style. OISL believes her dead body was desecrated.<sup>32</sup></li> <li>– General Kamal Gunaratne took over as the Competent Authority in charge of the Internally Displaced Persons (IDP) in the Northern Province. The Ministry of Defence and the SLA played key roles in controlling movement in and out of the camps.<sup>33</sup></li> <li>– Military commanders were in charge of each of the seven zones of Manik Farm.<sup>34</sup> This was the largest camp for IDPs. At its peak, around 220,000 out of 284,000 IDPs were being held there. Manik Farm was a highly militarized environment. There was an extreme lack of freedom of movement within Manik Farm. IDPs were even refused permission to attend funerals of family members. IDPs were often treated like detainees in prison.<sup>35</sup></li> </ul>

<sup>26</sup> [http://www.defence.lk/Profile/secretary\\_defence](http://www.defence.lk/Profile/secretary_defence)

<sup>27</sup> OISL Report, *supra* note 1 at para 116.

<sup>28</sup> *Ibid* at para 93.

<sup>29</sup> *Ibid* at paras 873–878.

<sup>30</sup> *Ibid* at para 887.

<sup>31</sup> *Ibid* at paras 314–315.

<sup>32</sup> *Ibid* at para 316.

<sup>33</sup> *Ibid* at para 1074.

<sup>34</sup> *Ibid*.

<sup>35</sup> *Ibid* at paras 1073–1074.

	<ul style="list-style-type: none"> <li>– Screening and interrogation continued within these camps until 2010. This involved verbally abusing, and beating IDPs, and dragging them away at night. The IDPs had no recourse to complain about the poor conditions or treatment by soldiers.<sup>36</sup></li> <li>– There have been multiple violent incidents. One report highlights how a child was paralyzed after being hit by a stray bullet, during a confrontation between Security Forces and the IDPs who moved between zones within Manik Farm.<sup>37</sup></li> </ul>
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### **Summary: General Kamal Gunaratne and 53<sup>rd</sup> Division**

Major General Kamal Gunaratne was the Commander of the heavily involved 53<sup>rd</sup> Division of the Sri Lankan Army during the final phase of the armed conflict.<sup>38</sup> He and his Division stand accused of extrajudicially executing high-level LTTE cadres and destroying evidence after the end of the conflict. This includes digging up and burning bodies that had been buried in the conflict zone.<sup>39</sup>

There is visual evidence of well-known LTTE members being taken into their custody from the Nandi Kadal lagoon, while alive. Isaipriya, for example, a well-known news presenter, was seen being taken alive. Later photographs show her body in a pile of other male bodies. Most bodies were naked, blind-folded, and had their hands tied behind their backs. Forensic evidence reveals Isaipriya was shot in the head, execution style. OISL believes her dead body was desecrated.<sup>40</sup>

Close to and just after the end of the armed conflict, General Kamal Gunaratne was in charge of the Internally Displaced Persons (IDP) in the Northern Province, and controlled movement in and out of the camps, namely Manik Farm.<sup>41</sup> Manik Farm was the largest camp for IDPs, and it was a highly militarized environment – there was an extreme lack of freedom for the IDPs, with some even being refused permission to attend funerals of family members. IDPs were often treated like detainees in prison.<sup>42</sup> There are multiple reports of violent incidents, with one incident where a child was paralyzed after being hit by a stray bullet.<sup>43</sup>

<sup>36</sup> *Ibid* at paras 1076, 1078.

<sup>37</sup> *Ibid* at para 1080.

<sup>38</sup> *Ibid* at paras 93, 116.

<sup>39</sup> *Ibid* at para 887.

<sup>40</sup> *Ibid* at paras 314–316.

<sup>41</sup> *Ibid* at para 1074.

<sup>42</sup> *Ibid* at paras 1073–1074.

<sup>43</sup> *Ibid* at para 1080.

## Brigadier Prasanna Silva

**Position:** Commander (55th Division)

**Time Period:** Not specified (Final Phase of Conflict)



<https://www.colombotelegraph.com/index.php/major-general-prasanna-silva-involved-in-a-white-van-controversy-to-be-transferred/>

**Notes:**

- Brigadier Prasanna Silva was a two-star General, and Commander of the 55th Division during the final phase of the armed conflict.<sup>44</sup>
- 55th Division was heavily involved in the final phase, in May 2009.<sup>45</sup>
- May 8, 2009: The third and final NFZ was declared. Maps and Announcement of NFZ3 was communicated to international organizations and sent to SLA commanders (including 53rd, 55th, 58th, and 59th Divisions) that surrounded the area. There was continuous shelling and firing from the SLA. Every time a shell hit, people would be injured and killed because there were so many people squeezed into a small area. The only health facility for civilians in the area was also bombarded daily by the SL Security Forces between May 8-12.<sup>46</sup>
- OISL is concerned by serious allegations that the SLA destroyed evidence after the end of the conflict – including digging up and burning bodies that had been buried in the conflict zone.<sup>47</sup>


<sup>44</sup> *Ibid* at para 116.

<sup>45</sup> *Ibid* at para 93.

<sup>46</sup> *Ibid* at paras 873–878.

<sup>47</sup> *Ibid* at para 887.

## Major General Jagath Dias

<b>Position:</b> Commander (57th Division)	<b>Time Period:</b> 2007-2009 <sup>48</sup>
 <p><a href="https://www.army.lk/news/major-general-jagath-dias-appointed-new-chief-staff">https://www.army.lk/news/major-general-jagath-dias-appointed-new-chief-staff</a></p>	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>– Major General Jagath Dias was a two-star General, and Commander of the 57th Division during the final phase of the armed conflict.<sup>49</sup></li> <li>– July – October 2008: 57th and 58th Division of SLA advanced towards Kilinochchi. The area was subjected to aerial bombardment and shelling – damaging the compound of an NGO in July 2008, and harming the designated safe box in September 2008.<sup>50</sup></li> <li>– NFZ1: Coordinates of Vallipunam Hospital were communicated to 57th, 58th, 59th Divisions, and Task Forces 2,3,4. It was still shelled despite being on the edge of the NFZ1. It caused damage to the main building, medical infrastructure, ambulances and temporary medical shelters. At least five civilians were killed, and 22 were injured.<sup>51</sup></li> </ul>

<sup>48</sup> <https://www.army.lk/news/major-general-jagath-dias-appointed-new-chief-staff>

<sup>49</sup> *OISL Report*, *supra* note 1 at para 116.

<sup>50</sup> *Ibid* at para 794.

<sup>51</sup> *Ibid* at paras 804–806.

## Brigadier/Major General Shavendra Silva

<b>Position:</b> Commander (58th Division)	<b>Time Period:</b> Not specified (Final Phase of Conflict)
<div data-bbox="90 329 524 873" data-label="Image"> </div> <p><a href="https://www.army.lk/news/lieutenant-general-shavendra-silva-new-commander-army">https://www.army.lk/news/lieutenant-general-shavendra-silva-new-commander-army</a></p> <p>Currently: He is chief of army staff. US has imposed a travel ban and sanctions on him.<sup>52</sup></p>	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>– Brigadier Shavendra Silva was a two-star General, and Commander of the 58th Division during the final phase of the armed conflict.<sup>53</sup></li> <li>– Shavendra Silva and the 58th Division were tasked with leading the operation to take Putumattalan (which housed some UN and ICRC operations, including a makeshift hospital)<sup>54</sup></li> <li>– GPS coordinates of the clearly marked Putumattalan hospital and the UN hub were communicated to the SL Security Forces. 53rd and 58th Divisions and Task Force 8 of the SLA were present around this general area. Many civilians set up tents in the area with white flags. But there were multiple incidents of shelling of the hospital and the adjacent UN hub between February and April 2009. Despite later being included in the NFZ2, shelling continued. Between February-April, attacks happened frequently and often killed many civilians.<sup>55</sup></li> <li>– 58th Division in particular engaged in intense fire and conflict causing damage to the hospital buildings and the UN hub. Many people were killed and injured. Artillery shelling set fire to tents in the area. This was a very densely populated area.<sup>56</sup></li> <li>– There are numerous allegations of cluster bombs being used during this time.</li> <li>– Major General Shavendra Silva denies hitting Putumattalan hospital, and asserted that the facility was only used to treat LTTE fighters. Even if so, LTTE fighters that are placed <i>hors de combat</i> by sickness or injury could not be targeted under international humanitarian law.<sup>57</sup></li> <li>– OISL strongly believes Putumattalan hospital was used to treat civilians and came under repeated attack.<sup>58</sup></li> <li>– NFZ1: Coordinates of Vallipunam Hospital were communicated to 57th, 58th, 59th Divisions, and Task Forces 2,3,4. It was still shelled despite being on the edge of the NFZ1. It caused damage to the main building, medical infrastructure, ambulances and temporary medical shelters. At least five civilians were killed, and 22 were injured.<sup>59</sup></li> <li>– May 8, 2009: The third and final NFZ was declared. Maps and Announcement of NFZ3 was communicated to international organizations and sent to SLA commanders (including 53rd, 55th, 58th, and 59th Divisions) that surrounded the area. There was continuous shelling and firing from the SLA. Every time a shell hit, people would be injured and killed because there were so many people squeezed into a small area. The only health facility for civilians in the area was also bombarded daily by</li> </ul>

<sup>52</sup> <https://www.theguardian.com/world/2020/feb/14/us-sanctions-sri-lanka-army-chief-shavendra-silva>

<sup>53</sup> OISL Report, *supra* note 1 at para 116.

<sup>54</sup> *Ibid* at paras 841, 846.

<sup>55</sup> *Ibid* at paras 838–845.

<sup>56</sup> *Ibid* at paras 846–852.

<sup>57</sup> *Ibid* at para 852.

<sup>58</sup> *Ibid*.

<sup>59</sup> *Ibid* at paras 804–806.



	<p>the SL Security Forces between May 8-12.<sup>60</sup></p> <ul style="list-style-type: none"> <li>– OISL received information about white flag surrenders taking place during the final days. People who surrendered to the south of Vellamullivaikkal, surrendered to the 58th Division.</li> <li>– 58th Division was also responsible for summarily executing high-level LTTE leaders (Nadesan, and Puleedevan) despite the Government saying they could safely surrender.<sup>61</sup> These two leaders lead a surrender group to the 58th Division, holding white flags. There are reports of seeing their bodies on the same day.<sup>62</sup></li> <li>– Photographs indicate that there were about a dozen bodies lined up. These bodies, including the bodies of the high-level LTTE leaders, showed multiple gunshots, arms probably having been tied back. OISL concludes that LTTE senior leaders Nadesan, his wife, and Puleedevan were executed by the security forces, despite having shown a clear intent to surrender.<sup>63</sup></li> <li>– Countless disappeared individuals were last seen in the custody of the 58th Division of the SLA.<sup>64</sup></li> <li>–</li> </ul>
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### Summary: Major General Shavendra Silva and 58<sup>th</sup> Division

Major General Shavendra Silva was the Commander of the 58<sup>th</sup> Division during the final phase of the armed conflict. He and 58<sup>th</sup> Division stand accused of attacking civilian targets and hospitals, no-fire zones, extra-judicially executing LTTE leaders, and enforced disappearances.

Major General Shavendra Silva was tasked with leading the operations to take Putumattalan during the final phases of the armed conflict.<sup>65</sup> Putumattalan housed some UN and ICRC operations, including a makeshift hospital.<sup>66</sup> Despite knowledge of their presence, this area came under constant heavy attack by the 58<sup>th</sup> Division and Task force 8 between February and April of 2009.<sup>67</sup> 58<sup>th</sup> Division was particularly engaged in intense fire and conflict causing damage to the hospital buildings and UN hub. As it was a densely populated area, people were almost always killed and injured in these attacks. Major General Shavendra Silva denied hitting the hospital, and asserted that it was only used to treat LTTE fighters. Even if this were true, targeting LTTE fighters who were placed *hors de combat* by sickness or injury, was against international humanitarian law. OISL reports Putumattalan hospital was used to treat civilians, and came under repeated attack.<sup>68</sup>

Major General Shavendra Silva was involved in attacking No-Fire Zones 1 and 3, and health facilities that civilians depended on.<sup>69</sup> 58<sup>th</sup> Division collected people who wanted to surrender just south of Vellamullivaikkal, including high level LTTE leaders. Visual evidence shows that 58<sup>th</sup> Division was responsible for summarily executing high level LTTE leaders like Nadesan and Puleedevan, despite the Government saying they can safely surrender.<sup>70</sup> Countless others who have disappeared were last seen in the custody of 58th Division.

Currently, Shavendra Silva and his family members are placed under a Travel Ban by the United States of America because he is accused of gross human rights violations and extra-judicial killings. He and his troops allegedly shelled No-Fire zones and disappeared and killed many people who surrendered to them.<sup>71</sup>

<sup>60</sup>*Ibid* at paras 873–878.

<sup>61</sup> *Ibid* at para 299.

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62 *Ibid* at para 301.

63 *Ibid* at para 304.

64 *Ibid* at para 437.

65 *Ibid* at paras 116, 841, 846.

66 *Ibid* at paras 841–846.

67 *Ibid* at paras 838–845.

68 *Ibid* at para 852.

69 *Ibid* at paras 873–878.

70 *Ibid* at para 299.

71 <https://www.theguardian.com/world/2020/feb/14/us-sanctions-sri-lanka-army-chief-shavendra-silva>

## Brigadier Nandana Udawatta

**Position:** Commander (59th Division)

**Time Period:** Not Specified (Final Phase of Conflict)



<http://cimicjaffna.lk/past-commanders>

**Notes:**


- Brigadier Nandana Udawatta was a two-star General, and Commander of the 59th Division during the final phase of the armed conflict. He was succeeded by Brigadier Chagie Gallage.<sup>72</sup>
- NFZ1: Coordinates of Vallipunam Hospital were communicated to 57th, 58th, 59th Divisions, and Task Forces 2,3,4. It was still shelled despite being on the edge of the NFZ1. It caused damage to the main building, medical infrastructure, ambulances and temporary medical shelters. At least five civilians were killed, and 22 were injured.<sup>73</sup>
- OISL received information about white flag surrenders taking place during the final days. People who surrendered to the north of Vellamullivaikkal, surrendered to the 53rd and 59th Division.
- May 8, 2009: The third and final NFZ was declared. Maps and Announcement of NFZ3 was communicated to international organizations and sent to SLA commanders (including 53rd, 55th, 58th, and 59th Divisions) that surrounded the area. There was continuous shelling and firing from the SLA. Every time a shell hit, people would be injured and killed because there were so many people squeezed into a small area. The only health facility for civilians in the area was also bombarded daily by the SL Security Forces between May 8-12.<sup>74</sup>

<sup>72</sup> OISL Report, *supra* note 1 at para 116.

<sup>73</sup> *Ibid* at paras 804–806.

<sup>74</sup> *Ibid* at paras 873–878.

## Brigadier Chagie Gallage

Position: Commander (59th Division)	Time Period: Not Specified (Final Phase of Conflict)
 <p><a href="https://srilankamirror.com/news/2418-chagi-gallage-denied-visa">https://srilankamirror.com/news/2418-chagi-gallage-denied-visa</a></p> <p>Current: He has been denied an Australian Visa because he stands accused of war crimes.<sup>75</sup></p>	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>– Brigadier Chagie Gallage was a two-star General, and Commander of the 59th Division during the final phase of the armed conflict. He replaced Brigadier Nandana Udawatta.<sup>76</sup></li> <li>– NFZ1: Coordinates of Vallipunam Hospital were communicated to 57th, 58th, 59th Divisions, and Task Forces 2,3,4. It was still shelled despite being on the edge of the NFZ1. It caused damage to the main building, medical infrastructure, ambulances and temporary medical shelters. At least five civilians were killed, and 22 were injured.<sup>77</sup></li> <li>– OISL received information about white flag surrenders taking place during the final days. People who surrendered to the north of Vellamullivaikkal, surrendered to the 53rd and 59th Division.</li> <li>– May 8, 2009: The third and final NFZ was declared. Maps and Announcement of NFZ3 was communicated to international organizations and sent to SLA commanders (including 53rd, 55th, 58th, and 59th Divisions) that surrounded the area. There was continuous shelling and firing from the SLA. Every time a shell hit, people would be injured and killed because there were so many people squeezed into a small area. The only health facility for civilians in the area was also bombarded daily by the SL Security Forces between May 8-12.<sup>78</sup></li> </ul>


<sup>75</sup> <https://srilankamirror.com/news/2418-chagi-gallage-denied-visa>

<sup>76</sup> OISL Report, *supra* note 1 at para 116.


<sup>77</sup> *Ibid* at paras 804–806.

<sup>78</sup> *Ibid* at paras 873–878.

## Brigadier Priyantha Napagoda

<b>Position:</b> Artillery Brigade Commander	<b>Time Period:</b> Not specified (Final phase of conflict)
 <p><a href="http://archives.dailynews.lk/2009/06/03/supstory.asp?id=s01">http://archives.dailynews.lk/2009/06/03/supstory.asp?id=s01</a></p>	<b>Notes:</b> <ul style="list-style-type: none"> <li>– Brigadier Priyantha Napagoda was a one-star General, and Commander of the Artillery Brigade during the final phase of the armed conflict.<sup>79</sup></li> <li>– <i>OISL Report does not specify any further information.</i></li> </ul>

## Colonel Athula Kodippily

<b>Position:</b> Head of Special Forces Brigade	<b>Time Period:</b> Time Period not specified (final phase of conflict)
 <p><a href="http://archives.dailynews.lk/2009/06/03/supstory.asp?id=s01">http://archives.dailynews.lk/2009/06/03/supstory.asp?id=s01</a></p>	<b>Notes:</b> <ul style="list-style-type: none"> <li>– Colonel Athula Kodippily was a one-star General, and Head of the Special Forces Brigade during the final phase of the armed conflict.<sup>80</sup></li> <li>– The Special Forces Brigade was attached to the Security Force Headquarters-East, located in Welikanda. Together, they recaptured the Mavil Aru area.<sup>81</sup></li> <li>– The SLA presented the Eastern campaign as a humanitarian operation, but significantly increased restrictions on humanitarian aid going into the area.<sup>82</sup></li> <li>– SLA Special Forces alleged to be perpetrators of clay mines attack 7.5km north of Mallavi, that killed 11 civilians (including 8 school girls) en route to Kilinochchi to provide first aid during a public event.<sup>83</sup></li> <li>– Special Forces was also supporting 58th Division in their advance on Putumattalan in April 2009.<sup>84</sup></li> </ul>

## Brigadier Rohana Bandara

<sup>79</sup>*Ibid* at para 117.


<sup>80</sup> *Ibid*.


<sup>81</sup> *Ibid* at para 67.

<sup>82</sup> *Ibid* at para 69.

<sup>83</sup> *Ibid* at para 278.

<sup>84</sup> *Ibid* at para 846.

<b>Position:</b> Commander (Task Force 2)	<b>Time Period:</b> Time Period not specified (final phase of conflict)
 <p><a href="http://archives.dailynews.lk/2009/06/03/supstory.asp?id=s01">http://archives.dailynews.lk/2009/06/03/supstory.asp?id=s01</a></p>	<b>Notes:</b> <ul style="list-style-type: none"> <li>– Brigadier Rohana Bandara was the commander of Task Force 2. This was an ad-hoc group put together for a specific task that required a separate formation of command. Task Forces 2, 3, 4, and 8 were particularly involved in the final weeks of the conflict, and were under the command of SFHQ-Vanni.<sup>85</sup></li> <li>– NFZ1: Coordinates of Vallipunam Hospital were communicated to 57th, 58th, 59th Divisions, and Task Forces 2,3,4. It was still shelled despite being on the edge of the NFZ1. It caused damage to the main building, medical infrastructure, ambulances and temporary medical shelters. At least five civilians were killed, and 22 were injured.<sup>86</sup></li> </ul>

<b>Brigadier Sathyapriya Liyanage</b>	
<b>Position:</b> Commander (Task Force 3)	<b>Time Period:</b> Time Period not specified (final phase of conflict)
 <p><a href="http://archives.dailynews.lk/2009/06/03/supstory.asp?id=s01">http://archives.dailynews.lk/2009/06/03/supstory.asp?id=s01</a></p>	<b>Notes:</b> <ul style="list-style-type: none"> <li>– Brigadier Sathyapriya Liyanage was the commander of Task Force 3. This was an ad-hoc group put together for a specific task that required a separate formation of command. Task Forces 2, 3, 4, and 8 were particularly involved in the final weeks of the conflict, and were under the command of SFHQ-Vanni.<sup>87</sup></li> <li>– NFZ1: Coordinates of Vallipunam Hospital were communicated to 57th, 58th, 59th Divisions, and Task Forces 2,3,4. It was still shelled despite being on the edge of the NFZ1. It caused damage to the main building, medical infrastructure, ambulances and temporary medical shelters. At least five civilians were killed, and 22 were injured.<sup>88</sup></li> </ul>

<b>Colonel Nishantha Wanniarachchi</b>	
<b>Position:</b> Commander (Task Force 4)	<b>Time Period:</b> Time Period not specified (final phase of conflict)


<sup>85</sup>*Ibid* at para 119.


<sup>86</sup>*Ibid* at paras 804–806.

<sup>87</sup> *Ibid* at para 119.

<sup>88</sup> *Ibid* at paras 804–806.



 <p><a href="http://archives.dailynews.lk/2009/06/03/supstory.asp?id=s01">http://archives.dailynews.lk/2009/06/03/supstory.asp?id=s01</a></p>	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>– Colonel Nishantha Wanniarachchi was the commander of Task Force 4. This was an ad-hoc group put together for a specific task that required a separate formation of command. Task Forces 2, 3, 4, and 8 were particularly involved in the final weeks of the conflict, and were under the command of SFHQ-Vanni.<sup>89</sup></li> <li>– NFZ1: Coordinates of Vallipunam Hospital were communicated to 57th, 58th, 59th Divisions, and Task Forces 2,3,4. It was still shelled despite being on the edge of the NFZ1. It caused damage to the main building, medical infrastructure, ambulances and temporary medical shelters. At least five civilians were killed, and 22 were injured.<sup>90</sup></li> </ul>
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Colonel G.V. Ravipriya	
<p><b>Position:</b> Commander (Task Force 8)</p>	<p><b>Time Period:</b> Time Period not specified (final phase of conflict)</p>
 <p><a href="http://archives.dailynews.lk/2009/06/03/supstory.asp?id=s01">http://archives.dailynews.lk/2009/06/03/supstory.asp?id=s01</a></p>	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>– Colonel G.V. Ravipriya was the commander of Task Force 8. This was an ad-hoc group put together for a specific task that required a separate formation of command. Task Forces 2, 3, 4, and 8 were particularly involved in the final weeks of the conflict, and were under the command of SFHQ-Vanni.<sup>91</sup></li> <li>– GPS coordinates of the clearly marked Putumattalan Hospital and the UN hub were communicated to the SL Security Forces. 53rd and 58th Divisions and Task Force 8 of the SLA were present around this general area. Many civilians set up tents in the area with white flags. But there were multiple incidents of shelling of the hospital and the adjacent UN hub between February and April 2009. Despite later being included in the NFZ2, shelling continued. Between February-April, attacks happened frequently and often killed many civilians.<sup>92</sup></li> </ul>

Major Hendawitharana	
<p><b>Position:</b> Head of Military Intelligence Corps of SLA</p>	<p><b>Time Period:</b> Time Period not specified (end of conflict period)</p>

<sup>89</sup> *Ibid* at para 119.

<sup>90</sup> *Ibid* at paras 804–806.

<sup>91</sup> *Ibid* at para 119.

<sup>92</sup> *Ibid* at paras 838–845.



<http://www.dailymirror.lk/article/Ex-Army-Intelligence-Chief-at-FCID-130869.html>

#### Notes:

- Major Hendawitharana lead the Military Intelligence Corps of the Sri Lankan Army. It played a pivotal role by identifying and interrogating LTTE suspects, including at checkpoints, screening posts, and in the IDP camps.<sup>93</sup>
- The Military Intelligence Corps was present at Joseph Camp, run by SFHQ-Vanni. Joseph Camp was also one of the larger detention centres where detainees were often taken for interrogation and torture.<sup>94</sup>
- Military Intelligence has been linked to the Karuna Group and the EPDP.<sup>95</sup>
- SLA military intelligence has allegedly been linked to killing LTTE Political Wing Leader Ramalingam Pathamaseelan (Senadhirajah), in Batticaloa.<sup>96</sup>
- Witness reports indicate that Thambirasa Thurairajasingham (Colonel Ramesh) was last seen being escorted away by the SLA and the military intelligence officers on May 18 on the north side of the Vadduvakal bridge, with a small child in his arms.<sup>97</sup>
- Photographic evidence shows that Colonel Ramesh was alive, and was being interrogated by SL Security Forces. Later images show his dead body showing clear indications that he was extrajudicially executed, with a bullet hole to the left side of his head.<sup>98</sup>
- OISL documented many cases of unlawful and arbitrary arrests carried out by security forces, including CID, TID, STF, and members of the SLA and SLN – especially military intelligence officers of the SLA.<sup>99</sup> Victims were arrested near their homes or workplaces, or as they travelled through checkpoints or airports. Perpetrators were often armed and in civilian clothes would put victims into white vans, blindfold them, tie them up, and stuff cloth into their mouths to stop them from screaming.<sup>100</sup>
- Arrests were often violent, and victims were often assaulted before even arriving at detention places. Victim's family members have also been beaten with objects.<sup>101</sup>
- Military Intelligence officers of the SLA were often cited to be responsible for sexual violence as well, ranging from low level guards to higher ranking officers.<sup>102</sup>

### Summary: Major Hendawitharana and the Military Intelligence Corps of the SLA

<sup>93</sup>*Ibid* at para 121.

<sup>94</sup>*Ibid* at para 371.

<sup>95</sup>*Ibid* at para 139.

<sup>96</sup> *Ibid* at para 274.

<sup>97</sup> *Ibid* at para 306.

<sup>98</sup> *Ibid* at paras 307–309.

<sup>99</sup> *Ibid* at para 346.

Major Hendawitharana lead the Military Intelligence Corps of the Sri Lankan Army during the final stages of the armed conflict. The Military Intelligence Corps played a pivotal role in identifying and interrogating LTTE suspects, including at checkpoints, screening points and in the IDP camps.<sup>103</sup> They were heavily present at SFHQ-Vanni located at Joseph Camp, where they would routinely interrogate and torture their detainees.<sup>104</sup> They stand accused of unlawful and arbitrary arrests, white van abductions, torture and sexual violence, and extrajudicial killings. Perpetrators ranged from low level guards, to higher ranking officers.<sup>105</sup>

The SLA Military Intelligence has been linked to killing higher level LTTE officers, including LTTE Political Wing Leader Ramalingam Pathamaseelan (Senadhirajah) in Batticaloa, and Colonel Ramesh near the Vadduvakal bridge on May 18. Photographic evidence shows that Colonel Ramesh was alive when taken by these officers, and then shows his dead body with clear indications that he was extrajudicially executed with a bullet hold to the left side of his head.<sup>106</sup>

In addition to killing higher level LTTE members, Military Intelligence officers routinely carried out unlawful and arbitrary arrests.<sup>107</sup> Victims were arrested near their homes, workplaces, or as they travelled through checkpoints or airports. Officers were often in civilian clothes, and armed. Arrests were often violent; victims were tied up, blindfolded, and had cloth stuffed into their mouths to stop them from screaming.<sup>108</sup>

## **APPENDIX A: OISL's List of Names in Sri Lankan Security Forces**

### **SRI LANKAN LEADERSHIP**

1. President Mahinda Rajapaksa
2. President Chandrika Bandaranaike Kumaratunga
3. Tilak Malapana (Minister of Defence) *2001-2005*
4. Gotabaya Rajapaksa (Secretary of Defence) *November 2005-January 2015*

### **SRI LANKAN SECURITY FORCES**

#### **Armed Forces**

1. Air Chief Marshal Donald Perrera (Chief of Defence Staff) *Prior to 2009*<sup>109</sup>
  - a. Senior Professional Military officer in Armed Forces
  - b. Coordinating role with responsibility to implement directions from the President and NSC
  - c. Commanded Joint Operations Headquarters

*Sri Lankan Army*

Army Commander: most senior officer within army<sup>110</sup>

1. General Jagath Jayasuriya (Army Commander) *From July 2009*
2. General Sarath Fonseka (Army Commander) *From December 6, 2005*
3. General S.H.S. Kottegoda (Army Commander) *From July 2004*
4. General L.P. Balagalle (Army Commander) *Aug 2000-July 2004*



Security Force HQ: define geographical area of responsibility (combat divisions and supporting units

under command)<sup>111</sup>

5. Major General Mahinda Hathurusinghe (Head of Security Force HQ-Jaffna) *Jan 7, 2010 – January 9, 2014*

Division: combined arms group capable of independent battlefield operations (10-20,000 soldiers) → commanded by two-star generals<sup>112</sup>

6. Major General Kamal Gunaratne (53<sup>rd</sup> Division – Commander)
7. Brigadier Prasanna Silva (55<sup>th</sup> Division – Commander)
8. Major General Jagath Dias (57<sup>th</sup> Division – Commander)
9. Brigadier Shavendra Silva (58<sup>th</sup> Division- Commander)
10. Brigadier Nandana Udawatta (59<sup>th</sup> Division – Commander)
11. Brigadier Chagie Gallage (59<sup>th</sup> Division – Commander)

Brigade: major tactical infantry formation (3500-6000 soldiers) → commanded by one-star general<sup>113</sup>

12. Brigadier Priyantha Napagoda (Artillery Brigade Commander)
13. Colonel Athula Kodippily (Special Forces Brigadier)

Task Force: ad-hoc group for a specific task (equivalent to Division – same size as strong Brigade)<sup>114</sup>

14. Brigadier Rohana Bandara (Task Force 2 Commander)
15. Brigadier Sathyapriya Liyanage (Task Force 3 Commander)
16. Colonel Nishantha Wanniarachchi (Task Force 4 Commander)
17. Colonel G.V. Ravipriya (Task Force 8 Commander)

Military Intelligence Corps: intelligence gathering in conflict; identification/interrogation of LTTE suspects<sup>115</sup>

18. Major Hendawitharana (Head of Military Intelligence Corps of SLA)

#### *Sri Lankan Navy*<sup>116</sup>

1. Admiral D.W.A.S Dissanayake (Navy Commander) *January 2011- September 2012*
2. Admiral TSG Samarasinghe (Navy Commander) *July 2009- January 2011*
3. Admiral Wasantha Karannagoda (Navy Commander) *September 2005 – July 2009*
4. Admiral D.W.K. Sandagiri (Navy Commander) *January 2001-September 2005*

#### *Sri Lankan Air Forces*<sup>117</sup>

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100 *Ibid* at paras 348–351.

101 *Ibid* at para 351.

102 *Ibid* at para 588.

103 *Ibid* at para 121.

104 *Ibid* at para 371.

105 *Ibid* at para 588.

106 *Ibid* at paras 307–309.

107 *Ibid* at para 346.

108 *Ibid* at paras 348–351.

109 *Ibid* at para 25.

110 *Ibid* at para 113.

111 *Ibid* at para 115.

112 *Ibid* at para 116.

113 *Ibid* at para 117.

114 *Ibid* at para 119.

115 *Ibid* at para 121.

116 *Ibid* at para 123.

117 *Ibid* at para 126.

1. Air Chief Marshal WDRMJ Gunetilleke (Air Force Commander) June 11, 2006- February 27, 2011
2. Air Chief Marshall G.D. Perera (Air Force Commander) July 16, 2002-June 11, 2006

## Other Bodies

*Sri Lankan Police* (Under Defence Ministry until Aug 2013)<sup>118</sup>

1. N.K. Illangakoon (Inspector General of Police-IGP) From July 4, 2011
2. Mahinda Balasuriya (IGP) Appointed November 3, 2009
3. Jayantha Wickramaratna (IGP) Appointed July 2008
4. Victor Perera (IGP) appointed October 2006
5. Chandra Fernando (IGP) appointed October 2004
6. Indra De Silva (IGP) appointed December 2003
7. T.E. Anandaraja (IGP) appointed in 2002

*Special Task Force*: elite paramilitary unit within police<sup>119</sup>

8. DIG R.W.M.C Ranawana (Special Task Force Commander) *appointed March 24, 2011*
9. DIG K.M.L Sarathchandra (Special Task Force Commander) *appointed on March 24, 2008*
10. DIG Nimal Lewke (Special Task Force Commander) appointed on September 10, 2003
11. DIG Nimal Gunatilleke (Special Task Force Commander) appointed June 1, 1998

*Criminal Investigation Department (CID)*: investigating serious and organized crime; counter-terrorism activities<sup>120</sup>

12. Sisira Mendis (Deputy Inspector General of CID) *April 2009*
13. SSP Anura Sennanayake (Head of Colombo Crimes Division) *April 2009*

*Terrorism Investigation Division (TID)*: preventing/investigating acts of terrorism under PTA<sup>121</sup>

14. SSP C.N. Wakishta (Director of TID) *April 2009*

*Civil Security Department (CSD)*: SL National Home Guard Service; assist police and military<sup>122</sup>

15. Rear Admiral Ananda Peiris (Director General of Civil Security Department) appointed February 2009
16. Rear Admiral Dr. Sarath Weerasekare (Director General of Civil Security Department) appointed 2006

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<sup>118</sup> *Ibid* at para 130.

<sup>119</sup> *Ibid* at para 133.

<sup>120</sup> *Ibid* at para 134.

<sup>121</sup> *Ibid* at para 135.

<sup>122</sup> *Ibid* at para 137.

# **DIRTY DOZEN**

**First of the lot**

**Genocidares/War Criminals**

**Vol: 01**

**Sri Lankan perpetrators  
of War Crimes and Genocide on Tamils**





**NAME: PERCY MAHENDRA “MAHINDA” RAJAPAKSA**

**TITLE: Current President of Sri Lanka and Commander in Chief of Sri Lankan Armed Forces.  
(Elected 2005, Re-elected 2010)**

**CURRENT LOCATION:** Resides in Sri Lanka

**PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS:**

In April 2011, Secretary General of the United Nations [Ban Ki-moon](#) published the *REPORT OF THE SECRETARY-GENERAL’S PANEL OF EXPERTS ON ACCOUNTABILITY IN SRI LANKA* by a UN-appointed panel of experts, which concluded that as many as 40,000 people were killed in the final weeks of the war between the Tamil Tigers and government forces. Importantly, the UN Expert Panel found five core categories of potential serious violations committed by the Government of Sri Lanka: (i) killing of civilians through widespread shelling; (ii) shelling of hospitals and humanitarian objects; (iii) denial of humanitarian assistance; (iv) human rights violations suffered by victims and survivors of the conflict, including both IDPs and suspected LTTE cadre; and (v) human rights violations outside the conflict zone, including against the media and other critics of the Government. (UNPOE iii)

At the time of the 2009 conflict, the structure of the Sri Lanka Security Forces (SF) comprised an Army, Air Force, Navy and the Police. From November 19, 2005, when he was sworn in for his first presidential term, the Commander-in-Chief has been Mahinda Rajapaksa. As part of his duties as President, Mahinda Rajapaksa served as the Commander-in-Chief of the SFs and chaired meetings of the National Security Council (NSC), which was tasked with formulating and executing defense policies.<sup>123</sup> Attendant to his role as the head of the government, President Rajapaksa is liable under the doctrine command responsibility for all crimes and violations committed by his officers, his ministers and members of his security forces.

Some of the criminal activities President Rajapaksa is responsible for include:

- There are reasonable grounds to suspect that the war crime of murder or the crime against humanity

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<sup>123</sup> (Island of Impunity 4,3) (PIAC 16.6)



of murder, or both, were committed in the killing of the LTTE Political Wing leaders Nadesan and Pulidevan, Colonel Ramesh, the Tamil newsreader Isaipriya, and the 12-year- old Balachandran.<sup>124</sup>

- Killing of civilians through widespread shelling and bombing of government authorized and defined “No Fire Zones” (NFZ), as well as, shelling of hospitals, medical facilities, and humanitarian targets such as UN and INGO humanitarian relief centers, relief convoys, relief ships, and food distribution centers.
- Genocide as a result of employing coercive population controls on the Tamil people.<sup>125</sup> Evidence shows that President Rajapaksa ordered the sterilizations of Tamils and the illegal killing of fetuses from 2009 onwards. The methods of reducing Tamil births included performing abortions under false pretenses and injecting Tamil females with progesterone to induce miscarriages under the pretext that the injections were actually vitamin supplements to ward of malnourishment.<sup>126</sup>
- Between 2009 to 2011, over 200,000 Tamil civilians were unlawfully detained in a military run internment camp called Manik Farm in the Northern Sri Lanka.<sup>127</sup> Thousands were killed, abducted or disappeared by the Sri Lankan security forces. Hundreds of women were kidnaped, sexually assaulted and raped by the security forces.<sup>128</sup> No investigations ever took place for these crimes.

**STATUS:** Two civil lawsuits charging genocide and crimes against humanity have been filed and litigated against President Rajapaksa in the United States. The first lawsuit, filed in 2011 in the United States District Court for the District of Columbia and the second was filed in 2012 the United States District Court of New York, Southern Division. Both cases were dismissed under a doctrine commonly referred to as “Head of State” immunity. Under international law, the doctrine of sovereign or diplomatic immunity means that certain holders of high-ranking office in a State such as the Head of State enjoy immunities from jurisdiction in other States, both civil and criminal. That means that national courts are unable to try a high official of another state who is suspected of committing crimes – no matter how serious – as this would constitute a violation of state sovereignty. The United Nations is based on the principle of the sovereign equality of all member states, whereby a state is not permitted to interfere in affairs that are within the domestic jurisdiction of another state. Sovereign immunity covers both a head of state and the state itself. Personal immunity only extends to incumbent heads of state; in the case of *DRC v Belgium*, the International Court of Justice said this was necessary in order for the head of state to be able to exercise his functions effectively. In both cases filed in the United States, the federal judges ruled that President Rajapaksa was immunity from any lawsuit alleging conduct that was performed under his role as president of the country. The judges also relied on letters from the U.S. Department of State and U.S. Department of Justice, which instructed the Court to dismiss the complaints because under customary international law, President Rajapaksa is immune from suit for as long as he maintains his current office.

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124 ICEP PIAC Report 9.3

125 “Coercive Population Control in Killinochi” Groundviews, September 13, 2013, <http://groundviews.org/2013/09/13/coercive-population-control-in-killinochi/>

126 Robert Blake, *Sri Lanka: GSL Complicity in Paramilitary*, Wikileaks, <http://wikileaks.org/cable/2007/05/07COLOMBO728.html> (May 18, 2007)

127 Amnesty International Report 2013 – The State of the World’s Human Rights

128 Amnesty International – Locked Away, Sri Lanka’ Security Detainees



**NAME:** Chandrika Bandaranaike Kumaratunga

**TITLE:** Former President of Sri Lanka from November 12, 1994 to November 19, 2005.

**CURRENT LOCATION:** Resides in Sri Lanka

#### **PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS**

During Chandrika Kumaratunga's tenure as president of Sri Lanka there were several mass killings of Tamil civilians, which amount to War Crimes, Crimes Against Humanity and Genocide. Like Mahinda Rajapaksa, Chandrika Kumaratunga is liable under the doctrine of command responsibility for crimes committed by herself, her former officers, former ministers and any other individuals that were working under her command. However, unlike President Rajapaksa, Ms. Kumaratunga is no longer a sitting head of government and is not able to claim the same immunities currently available to foreign heads of state.

The criminal events she is responsible for include:

- Her role in the mass killing in Navali at St. Peters Church on July 9, 1995. Credible evidence shows that

the Sri Lankan military ordered civilians to take refuge in Temples and Churches. Around 2,500 Tamils took refuge in Navali St. Peters Church and its surroundings. At least eight bombs were dropped by the Sri Lankan Air Force on this Church. 155 bodies of civilians were recovered from the Church and 250 people were seriously injured.

- The bombing of a high school in Nagarkovil on May 22, 1995. The high school was bombed while in session resulting in the death of twenty students and seriously injuring 42 students.
- President Chandrika Kumaratunga launched a war called “War for Peace” and went on heavily bombing and shelling civilian targets in Jaffna. Over a period of two days over 450,000 civilians fled the attack and walked to safety in Killinochi. Many women reported having been raped by the Sri Lankan security forces during the government’s campaign. Approximately 700 people were reported disappeared or missing after the campaign. A mass grave was later found in Chemani and it is believed that this is the resting place for many of the disappeared and missing.
- Market Bombing in Tambirai on May 17, 1996. Sri Lankan Air Force planes bombed the market killing seven civilians and seriously injuring many more.
- Killings in a Rehabilitation Center on October 25, 2000. The Bindhunuwewa Rehabilitation center was one of three centers to rehabilitate young LTTE suspects and those who surrendered. A Sinhalese mob stormed the camp and massacred the inmates while 60 police officers stood by. Approximately 28 inmates were killed and 14 inmates were seriously injured.
- Bombing of St. Mary’s Catholic Church in Madhu on November 20, 1999. People sheltering in a church were attacked when Sri Lankan Security Forces attacked. As a result, 40 people, including many children, were killed and more than 60 others were seriously injured.

**STATUS:** Chandrika Kumaratunge has never been charged with any criminal or civil charges as a result of her violations of domestic and international laws for the above referenced acts. According to the website <http://www.presidentcbk.org> Chandrika Kumaratunga’s she is currently “engaged in social entrepreneurship and is Chairperson of the CBK Foundation for Democracy and Justice (FDJ) and the South Asia Policy and Research Institute (SAPRI). Both are non-profit, non-political bodies.” As part of her duties, she travels extensively around the world on non-diplomatic and non-governmental missions. As such, Ms. Kumaratunge subjects herself to the jurisdiction of several forums that exercise universal jurisdiction and, with careful and proper planning, she could be made to answer for these acts in certain judicial forums.



**NAME:** GOTABAYA RAJAPAKSA<sup>129</sup>

**TITLE:** Secretary to the Ministry of Defense and Urban Development<sup>130</sup> Appointed by his brother who was elected President<sup>131</sup>

**CURRENT POSITION:** Secretary to the Ministry of Defense and Urban Development<sup>132</sup>

**LOCATION:** Resides in Colombo, Sri Lanka.<sup>133</sup> It is important to note that Gotabaya Rajapaksa travels extensively to foreign jurisdictions on non-diplomatic and non-governmental projects. For example, in May of 2014, he traveled to Malaysia to attend the 14<sup>th</sup> Defense Services Asia Exhibition and Conference.<sup>134</sup> Furthermore, Gotabaya Rajapaksa is a United States citizen, and under certain circumstances, would be under the jurisdiction of the US judicial system.<sup>135</sup>

#### **PUBLISHED REPORTS OF CRIMES AND VIOLATIONS:**

Several accounts have been written discussing the criminal and illegal conduct of Gotabaya Rajapaksa. A sample of this allegations include:

- As per the Wikileaks website, General Sarath Fonseka had accused Defense Secretary Gotabaya Rajapaksa of ordering at the end of the war the shooting of any LTTE leaders who might try to surrender under flags of truce.<sup>136</sup> His implication in the “white flag” incident, in which LTTE political leaders conveyed their desire to surrender but were killed after being promised that their surrender

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129 Tamils Against Genocide – On the Dock: <http://www.tamilsagainstgenocide.org/OnTheDock.aspx>; Report of the Secretary-General’s Panel of Experts on Accountability, ¶170, 171

130 [http://www.defence.lk/main\\_abt.asp?fname=SoD](http://www.defence.lk/main_abt.asp?fname=SoD)

131 Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka, ¶57

132 Report of the Secretary-General’s Panel of Experts on Accountability, Footnote 10, page 10 – confirming that he currently is still Secretary Defense

133 [http://www.defence.lk/main\\_abt.asp?fname=SoD](http://www.defence.lk/main_abt.asp?fname=SoD)

134 <http://www.asiantribune.com/node/78916>

135 [http://www.warwithoutwitness.com/index.php?option=com\\_content&view=article&id=242&Itemid=67](http://www.warwithoutwitness.com/index.php?option=com_content&view=article&id=242&Itemid=67)

136 Wikileaks (ref id 09COLOMBO1139 created on 2009-12-14 13:50 – viewed at <http://wikileaks.org/cable/2009/12/09COLOMBO1139.html>

would be accepted subjects Gotabaya to criminal prosecution for violation of the Geneva Conventions.<sup>137</sup> Mr. Gotabaya alleged to have threatened to execute General Fonseka if he had revealed any information regarding this operation.

- Ordered the abductions of media personnel, high level diplomats, TNA officials, and anyone else perceived to be anti-government or opposed to the Rajapaksa regime.
- An assassination unit operated out of "white vans" under the direction of the Defense Secretary Gotabaya Rajapaksa in order to kill civilians. These vehicles were mentioned in the United Nations [report](#) in 2011 as one of the many "credible allegations" of crimes against humanity made against the Sri Lankan government. The alleged assassinations were committed by what the source described as "hit squads" consisting of a group of men handpicked by the defense secretary and assembled upon his appointment to high office. The UN report refers to "an elite squad within the Special Task Force (STF) ... implicated in running these white van operations" that were used to abduct civilians to "secret locations" where they were "interrogated and tortured in a variety of ways." The report further states that many of the abductees "were killed and their bodies were disposed of secretly."

## **STATUS:**



**NAME:** WASANTHA KARANNAGODA

**TITLE:** Commander of the Sri Lankan Navy<sup>138</sup>

**CURRENT POSITION:** Ambassador to Japan<sup>139</sup>

**PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS:**

**STATUS:**

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138 <http://www.navy.lk/index.php?id=2797>

139 <http://www.trial-ch.org/srilanka-en/dias.html>

1. Embassy of Sri Lanka to Japan website  
[http://lankaembassy.jp/index.php?option=com\\_content&view=article&id=20&Itemid=19](http://lankaembassy.jp/index.php?option=com_content&view=article&id=20&Itemid=19)



**NAME: THISARA SAMARASINGHE**

**TITLE:** Former Commander of the Eastern and Northern Naval Area (2007-2009) but during the final month of war he was Navy Chief of Staff<sup>140</sup>

**CURRENT POSITION:**  
High Commissioner to Australia<sup>141</sup>

**LOCATION:**

**PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS:**

**STATUS:**

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140 <http://www.theage.com.au/world/sri-lankan-envoy-war-crimes-20111016-1lrm7.html>

2. [http://www.colombopage.com/archive\\_12A/Jul18\\_1342598556CH.php](http://www.colombopage.com/archive_12A/Jul18_1342598556CH.php)

3. [http://defence.lk/new.asp?fname=20090715\\_07](http://defence.lk/new.asp?fname=20090715_07)

141 High Commission of Sri Lanka to Australia website – <http://www.slhcaust.org/the-high-commissioner/>

- <http://www.dailymirror.lk/news/11728-new-form-of-diplomacy-needed-mr.html>





**NAME: G.A. CHANDRASIRI**

**TITLE:** Former Commander 52<sup>nd</sup> Division (2002-2003) and former Security Forces Commander – Jaffna (December 2005-2009)

**CURRENT POSITION:**  
Governor of Northern Province<sup>142</sup>

**LOCATION:** Sri Lanka

**PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS:**

**STATUS:**

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<sup>142</sup> [http://www.np.gov.lk/index.php?option=com\\_content&view=featured&Itemid=122](http://www.np.gov.lk/index.php?option=com_content&view=featured&Itemid=122)



## **NO. 15 MOST WANTED**

**NAME: CHAGI GALLAGE**

**TITLE:**<sup>143</sup>

- General Officer Commanding 59<sup>th</sup> Division
- Commander of Task Force 1 (2007)
- Director Training of the Army Headquarters

**CURRENT POSITION:**

He was the chief of the Presidential Security Division and the head of the Military Intelligence Regiment<sup>144</sup> but no update after he was accused of war crimes in London while he was accompanying the president<sup>145</sup>

**LOCATION:** Sri Lanka

**PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS:**

**STATUS:**

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<sup>143</sup> <http://www.tamilnet.com/img/publish/2010/01/TAG-PPT-PTK-Hospital-Satellite-FinalV5.pdf>

<sup>144</sup> <http://www.asiantribune.com/news/2010/08/29/psd-chief-gallage-appointed-military-intelligence-head>

<sup>145</sup> <http://www.srilankaguardian.org/2010/12/did-british-intelligence-alert.html>

- <http://www.theguardian.com/world/2010/dec/03/tamils-sri-lanka-general-arrest-warrant>
- <http://www.tamilnet.com/art.html?catid=13&artid=33164>



## **NO. 16 MOST WANTED**

**NAME: SUDANTHA RANASINGHE**

**TITLE:** Alleged that he general officer commanding 53<sup>rd</sup> Division but Gotabaya says he was part of the Engineer Regiment<sup>146</sup>

- This article reports that Gotabaya was lying: <http://lankanewsweb.net/news/923-gota-has-lied-to-america> but nothing else concrete

**CURRENT POSITION:** Commissioner General of Rehabilitation (February 9, 2010-August 15, 2011)<sup>147</sup>

**LOCATION:** Sri Lanka

**PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS:**

**STATUS:**

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<sup>146</sup> [http://www.island.lk/index.php?page\\_cat=article-details&page=article-details&code\\_title=70893](http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=70893)

<sup>147</sup> <http://bcgr.gov.lk/cgrs.php>



## **NO. 17 MOST WANTED**

**NAME:** PALITHA KOHANA (Kohona)

**TITLE:**

- Permanent Secretary to the Ministry of Foreign Affairs<sup>148</sup>
- Secretary-General of the Secretariat for Coordinating the Peace Process (SCOPP)<sup>149</sup>

**CURRENT POSITION:**

Ambassador and Permanent Representative of Sri Lanka to the UN<sup>150</sup>

**LOCATION:** New York

**PUBLISHED ACCOUNTS OF CRIMES AND VIOLATIONS:**

**Report of the Secretary-General's Panel of Experts on Accountability**

¶128 – As a result of the government's low estimates, the food delivered by WFP to the Vanni was a fraction of what was actually needed, resulting in widespread malnutrition, including cases of starvation

- Footnote 74 – On February 12, 2009, Foreign Secretary Dr. Kohona stated that 80 to 90 percent of all food and essentials, health services and medicine and relief had been provided by the government throughout the conflict and it would continue.

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<sup>148</sup> <http://www.mea.gov.lk/index.php/component/content/article/278-dr-tb-palitha-kohona-assumed-duties-as-the-secretary-of-ministry-of-foreign-affairs-today->

<sup>149</sup> <http://www.asiantribune.com/node/64802>

<sup>150</sup> <http://www.slmission.com/index.php/ambassador>

¶170 – Alleged to have been part of the negotiations with two LTTE political leaders wanting to surrender (Nadesan and Pulidevan). Nadesan had asked for a UN witness but Kohona had told him that he had the Sri Lankan President's guarantee of safety.<sup>151</sup>

**STATUS:**

Australia soft on prosecuting KOHONA's alleged war crimes – 04/05/11

<http://tamilnet.com/art.html?catid=13&artid=33760>

- ICC – Kohona complaint reference -  
[http://tamilnet.com/img/publish/2011/04/International\\_Criminal\\_Court\\_07\\_03\\_2011.pdf](http://tamilnet.com/img/publish/2011/04/International_Criminal_Court_07_03_2011.pdf)

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<sup>151</sup> <http://www.abc.net.au/news/2009-12-07/sri-lanka-war-crime-allegations-surface/1172710?section=world>

- [http://www.warwithoutwitness.com/index.php?option=com\\_content&view=article&id=255:culpabale-war-criminal-dr-palitha-kohona-named-as-permanent-representative-of-sri-lanka-to-the-united-nations&catid=39:by-war-without-witness&Itemid=62](http://www.warwithoutwitness.com/index.php?option=com_content&view=article&id=255:culpabale-war-criminal-dr-palitha-kohona-named-as-permanent-representative-of-sri-lanka-to-the-united-nations&catid=39:by-war-without-witness&Itemid=62)



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